

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 23843 Permit 16510 License 11180

**ORDER APPROVING CHANGES TO PLACE OF USE
AND AMENDING THE LICENSE**

WHEREAS:

1. License 11180 was issued to Christina Vineyards, a partnership, on March 17, 1982 pursuant to Application 23843. License 11180 was subsequently assigned to Swanson Vineyards on September 12, 1996.
2. A petition to change the place of use by increasing the acreage from 69.3 to 87 acres in which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (SWRCB).
3. The SWRCB has determined that the petition for changes does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. The licensee has proceeded with diligence and good cause has been shown for said changes.
5. License condition pertaining to continuing authority of the SWRCB should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The place of use for License 11180 shall be changed as follows:

10 acres within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 22, T7N, R5W, MDB&M
18 acres within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 22, T7N, R5W, MDB&M
1 acre within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 23, T7N, R5W, MDB&M
39 acres within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 23, T7N, R5W, MDB&M
5 acres within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 23, T7N, R5W, MDB&M
4 acres within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 23, T7N, R5W, MDB&M
10 acres within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 23, T7N, R5W, MDB&M

87 acres total
2. The existing continuing authority condition under License 11180, pertaining to the continuing authority of the Board, should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: AUGUST 4 1997

Roger Anton
for Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 23843

PERMIT 16510

LICENSE 11180

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THIS IS TO CERTIFY, That

CHRISTINA VINEYARDS, A PARTNERSHIP
C/O PHILIP DOUB, P. O. BOX 348,
OAKVILLE, CALIFORNIA 94562

HAS made proof as of JUNE 29, 1981 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
NAPA RIVER IN NAPA COUNTY

tributary to SAN PABLO BAY

for the purpose of IRRIGATION & FROST PROTECTION USES
under Permit 16510 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from AUGUST 13, 1971 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed TEN (10) ACRE-Feet PER ANNUM BY STORAGE, TO BE
COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO MARCH 15 OF THE SUCCEEDING YEAR; AND
AND SEVENTY-EIGHT HUNDREDTHS (1.78) CUBIC FEET PER SECOND FOR REPLENISHMENT OF
STORAGE, TO BE DIVERTED FROM MARCH 15 TO APRIL 30 OF EACH YEAR. THE TOTAL AMOUNT
OF WATER TO BE TAKEN FROM THE SOURCE (REPLENISHMENT PLUS COLLECTION TO STORAGE)
SHALL NOT EXCEED 30 ACRE-Feet PER YEAR. THE TOTAL AMOUNT OF WATER TO BE PLACED
BENEFICIAL USE (REPLENISHMENT PLUS WITHDRAWAL FROM STORAGE) SHALL NOT EXCEED 30
ACRE-Feet PER YEAR.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 1.78 CUBIC FEET
PER SECOND.

THIS LICENSE DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE
SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

THE POINT OF DIVERSION AND DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED
NORTH 2,050 FEET AND WEST 1,100 FEET FROM SE CORNER OF PROJECTED SECTION 22, T7N
R5W, BEING WITHIN NE1/4 OF SE1/4 OF SAID SECTION 22.

THE PLACE OF STORAGE AND/OR REGULATION OF SUCH WATER IS LOCATED:

AT RESERVOIR IN NE1/4 OF SE1/4 OF PROJECTED SECTION 22, T7N, R5W, MDB&M.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for

NO DIVERSION IS ALLOWED AFTER MARCH 15 OF EACH YEAR EXCEPT TO REPLENISH WATER STORED PRIOR TO MARCH 15. SUCH DIVERSION AFTER MARCH 15 IS CONTINGENT UPON CONTINUING PARTICIPATION BY LICENSEE IN A WATER DISTRIBUTION PROGRAM APPROVED BY THE STATE WATER RESOURCES CONTROL BOARD.

FOR THE PROTECTION OF FISH AND WILDLIFE, LICENSEE SHALL DURING THE PERIOD:

- (A) FROM NOVEMBER 1 THROUGH NOVEMBER 14 BYPASS A MINIMUM OF 1.0 CUBIC FOOT PER SECOND,
- (B) FROM NOVEMBER 15 THROUGH FEBRUARY 29 BYPASS A MINIMUM OF 15.0 CUBIC FEET PER SECOND,
- (C) FROM MARCH 1 THROUGH APRIL 30 BYPASS A MINIMUM OF 10.0 CUBIC FEET PER SECOND.

THE TOTAL STREAM FLOW SHALL BE BYPASSED WHENEVER IT IS LESS THAN THE DESIGNATED AMOUNT FOR THAT PERIOD. STREAMFLOWS SHALL BE AS MEASURED AT THE NEAREST U.S.G.S. GAGING STATION ON THE RIVER OR AS MEASURED BY A DEVICE ACCEPTABLE TO THE BOARD AT ALTERNATIVE LOCATIONS WHICH MAY BE DESIGNATED BY THE WATERMASTER ADMINISTERING THE WATER DISTRIBUTION PROGRAM.

THIS LICENSE IS CONDITIONED UPON FULL COMPLIANCE WITH SECTIONS 1601, 1603, AND/OR SECTION 6100 OF THE FISH AND GAME CODE. 0140061

THIS LICENSE IS SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD TO ISSUE ANY APPROPRIATE ORDER TO INSURE THAT THE APPROPRIATION OF WATER FOR FROST PROTECTION UNDER THE LICENSE DOES NOT RESULT IN WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF WATER. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING.

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE LICENSEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

NO DIVERSION IS ALLOWED AFTER MARCH 15 OF EACH YEAR EXCEPT TO FURNISH WATER STORED PRIOR TO MARCH 15. SUCH DIVERSION AFTER MARCH 15 IS CONTINGENT UPON CONTINUING PARTICIPATION BY LICENSEE IN A WATER DISTRIBUTION PROGRAM APPROVED BY THE STATE WATER RESOURCES CONTROL BOARD.

FOR THE PROTECTION OF FISH AND WILDLIFE, LICENSEE SHALL MAINTAIN THE PERIOD:
(A) FROM NOVEMBER 1 THROUGH NOVEMBER 14 BYPASS A MINIMUM OF 1.0 CUBIC FEET PER SECOND.
(B) FROM NOVEMBER 15 THROUGH FEBRUARY 28 BYPASS A MINIMUM OF 10.0 CUBIC FEET PER SECOND.
(C) FROM MARCH 1 THROUGH APRIL 30 BYPASS A MINIMUM OF 1.0 CUBIC FEET PER SECOND.
THE TOTAL STREAM FLOW SHALL BE BYPASSED WHATEVER IT IS LESS THAN THE DESIGNATED AMOUNT FOR THAT PERIOD. STEAMBOATS SHALL BE AT ANCHOR AT THE NEAREST U.S.C.G. GAGING STATION OF THE RIVER OR AS MEASURED BY A DEVICE ACCEPTABLE TO THE BOARD AT A TENTATIVE LOCATION WHICH MAY BE DESIGNATED BY THE WATERMASTER ADMINISTERING THE WATER DISTRIBUTION PROGRAM.

THIS LICENSE IS CONDITIONED UPON FULL COMPLIANCE WITH SECTIONS 1601, 1602, AND 1603 SECTION 6100 OF THE FISH AND GAME CODE.

THIS LICENSE IS SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD TO ISSUE ANY APPROPRIATE ORDER TO INSURE THAT THE APPROPRIATION OF WATER FOR FISH PROTECTION UNDER THE LICENSE DOES NOT RESULT IN WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF WATER. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING.

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD. IF, AFTER NOTICE TO THE LICENSEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE, NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ABSENCE OF WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.